

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 10, 1997

DIVISION TWO

B098924 LeFlore (Certified for Publication)
v.
Grass Harp Productions
New Line Productions

The orders under review are affirmed.

Boren, P.J.

We concur: Fukuto, J.
Ito, J. (Assigned)

DIVISION THREE

B112882 Samuel Z. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children & Family Services, r.p.i.)

The Court:

The petition is denied.

Klein, P.J., Croskey, J., Aldrich, J.

B111089 Los Angeles County, D.C.S. (Not for Publication)
v.
Carmen K.

The Court:

The appeal is dismissed.

Klein, P.J., Croskey, J., Aldrich, J.

September 10, 1997-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J., Croskey, J., Aldrich, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B106002 People v. Navarro
B105475 People v. Martinez
B099253 People v. Springette & Moses
B105118 People v. Willie & Greg Pritchett

Argument waived, cause submitted.

B095416 Hillecke
v.
Farooq

Appearances:
Rebecca B Mocciaro for appellant and by Gary L. Angotti for respondent.
Argument waived, cause submitted.

DIVISION FOUR (Continued)

B106312 Teitelbaum
 v.
 W.C.A.B.
 &
 California Housing & Community

Merits:

Argued by M. Teitelbaum for appellant and by no appearance by respondent. Cause submitted.

B102489 Morley
 v.
 Glikbarg

Merits:

Argued by William P. Gemmill for appellant and by James T. Minuto for respondent. Cause submitted.

B104094 Shelley
 v.
 City of Los Angeles

Merits:

Argued by James D. Vogt for appellant and by Shelley I. Smith for respondent. Cause submitted.

B107668 DSL Transportation
 v.
 State Compensation Insurance Fund

Merits:

Argued by Joshua N. Willis for appellant and by Frank Falzetta for respondent. Cause submitted.

DIVISION FOUR (Continued)

B112295 Telanoff
 v.
 S.C.L.A.
 (State Compensation Insurance Fund, r.p.i.)

Merits:
Argued by Robert S. Gerstein for petitioner and by Richard de Saint Phalle
for real party in interest. Cause submitted.

B112433 GT Inc.
 v.
 S.C.L.A.
 (State Compensation Insurance Fund, r.p.i.)

Merits:
Argued by Peter R. DiDonato for petitioner and by Richard de Saint Phalle
for real party in interest. Cause submitted.

B105346 Padilla
 v.
 W.C.A.B.
 (State Compensation Insurance Fund.)

Merits:
Argued by Don E. Clark for respondent and no appearance by petitioner.
Cause submitted.

B107519 Serafin
 v.
 First Interstate Bank

Merits:
Argued by Peter J. Bezek for appellant and by Ronald K. Meyer for
respondent. Cause submitted.

DIVISION FOUR (Continued)

B105553 Halicki
 v.
 Mc Carroll

Merits:

Argued by Brian C. Lysaght for appellant and by Roy G. Weatherup, Edith R. Matthai and Susan M. Hilton for respondents. Cause submitted.

Court recessed at 12:30 p.m.

The Court reconvened at 1:30 P.M.

Present: Epstein, Acting P.J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B095393 Shemaria v. Snyder
B092821 Home Insurance Co. v. County Sanitation
B105305 People v. Valencia
B107094 People v. Robles & Godoy
B105885 People v. Ibanez
B109803 Sheaffer v. Ashbrook

Argument waived, cause submitted.

B091576 State of Alaska
 v.
 Chen

Merits:

Argued by Andrea R. Schrote for appellant and no appearance by respondent pursuant to Rule 17(b), Calif. Rules of Court. Cause submitted.

B105539 People
 v.
 Alvarado

Merits:

Argued by Gilbert Rodriguez for appellant and by Brad D. Levenson for respondent. Cause submitted.

DIVISION FOUR (Continued)

B112677 City of Los Angeles
 v.
 S.C.L.A.
 (Labio, r.p.i.)

Merits:

Argued by Lynn Mayo for petitioner and by Susan Silver for real party in interest. Cause submitted.

B106208 American Casualty Co. of Reading, PA.
 v.
 O'Flaherty & Belgum

Merits:

Argued by Richard A. Dongell for appellant and by Robert M. Dato for respondent. Cause submitted.

B105959 Alexandroff
 v.
 Farmers Group Inc.

Merits:

Argued by Jim P. Mahacek for appellant and by James C. Martin for respondent. Cause submitted.

B100034 Dollinger-Glendale
 v.
 G.M.F.C.

Merits:

Argued by Robert Sainburg for appellant and by Heidi A. Timken for respondent. Cause submitted.

Court Adjourned

September 10, 1997-Continued

DIVISION FIVE

B102565 People (Not for Publication)
v.
Nicole L. Simien

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B110888 Williams-Sonoma, Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Richard Neely, r.p.i.)

Let a peremptory writ of mandate issue directing respondent court to vacate its order of May 12, 1997, denying the motion of defendant Williams-Sonoma, Inc., for summary judgment, and enter a new and different order granting the motion. Costs of this proceedings are awarded to the petitioner.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B098624 Leon Jenkins et al. (Not for Publication)
v.
John Niemier et al.

The judgment is reversed. Defendants are to bear the costs of appeal.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

September 10, 1997-Continued

DIVISION FIVE (Continued)

B108657 People (Not for Publication)

V.

Everardo C. Marquez

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B101824 Wegis

V.

Magnuson

Appearances:

Ralph Wegis for appellant and by Craig Smith for respondent. Pursuant to respondent's request, argument is continued to October, 1997, date and time to be determined.

B110138 Lavin

V.

Kirk Moore Trucking, Inc.

Appearances:

No appearance by for appellant and by Ronald Miyamoto for respondent.
The cause is ordered off calendar pursuant to settlement.

DIVISION SIX (Continued)

B105047 Aderman
 v.
 City of San Buenaventura

Merits:
Argued by J. Roger Myers for appellant and by Andrew K. Whitman for respondent. Cause submitted.

B108337 Cantor
 v.
 IHOP Corporation

Merits:
Argument waived by appellant and argued by Eric J. Emanuel for respondent. Cause submitted.

B108759 Blake
 v.
 City of Port Hueneme

Merits:
Argued by Harold A. Bridges for appellant and by Glen M. Reiser for respondent. Cause submitted.

B108571 Corbani
 v.
 Santa Barbara County et al.

Merits:
Argued by James P. Ballantine for appellant, by Virginia R. Pesola for respondent Santa Barbara County and by Jeffery D. Herman for respondent Vieja Homeowners Association. Cause submitted.

DIVISION SIX (Continued)

B110279 Board of Retirement
 v.
 Santa Barbara Civil Grand Jury

Merits:

Argued by Alan A. Blakeboro for appellant and by Margaret L. Oldendorf for amicus curiae Los Angeles Co. Employees' Retirement Association and by Craig Smith for respondent. Cause submitted.

Yegan, J. leaves the bench.

B110649 Berry Petroleum
 v.
 Rincon Island

Merits:

Argued by Sandra M. Robertson for appellant and by Robert J. Lent for respondent. Cause submitted.

Court recessed at 10:40 A.M.

Court reconvened at 11:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., and G. Bents, Deputy Clerk.

B108596 Suchil
 v.
 E.J. Harrison

Merits:

Argued by Bruce Gelber for appellant and by Korman Dorsey Ellis for respondent. Cause submitted.

DIVISION SIX (Continued)

B102219 Marriage
 of
 Capen

Merits:

Argued by Patricia J. Berry for appellant and by Patrick J. Perry for respondent. Cause submitted.

Court recessed at 11:50 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

Each of the following:

B107076 People v. Phillips
B107564 People v. Keith
B107613 People v. Brokenrope
B107824 People v. Stocks
B109848 People v. Moreno

Argument waived, cause submitted.

B108349 People
 v.
 Manning

Merits:

Argued by Richard Lennon for appellant and argument waived by respondent. Cause submitted.

DIVISION SIX (Continued)

B108357 People
 v.
 Munoz

Merits:
Argued by Esther Sorkin for appellant and by David C. Cook, Deputy
Attorney General, for respondent. Cause submitted.

B107059 People
 v.
 Smith

Merits:
Argued by Janet C. Vining for appellant and by David C. Cook, Deputy
Attorney General, respondent. Cause submitted.

B105215 People
 v.
 Lira

Merits:
Argued by David B. Shea for appellant and argument waived by
respondent. Cause submitted.

B100912 People
 v.
 Summerton

Merits:
Argued by Richard Lennon for appellant and by Russell A. Lehman,
Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B107656 People
 v.
 Diaz

Merits:

Argued by Leonard J. Klaif for appellant and by Scott A. Taryle, Deputy Attorney General, for respondent. Cause submitted.

Court recessed at 2:40 P.M.

Court reconvened at 2:50 P.M.

Present: Stone, P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B104216 People
 v.
 Robinson

Merits:

Argued by Paul M. Posner for appellant and by Scott A. Taryle, Deputy Attorney General, for respondent. Cause submitted.

B105079 People
 v.
 Alvarez

Merits:

Argued by Paul M. Posner for appellant and by Russell A. Lehman, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned at 3:35 P.M.

September 10, 1997-Continued

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B102835 People (Not for Publication)
v.
Flowers

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B107762 People (Not for Publication)
v.
Sheppard

The abstract of judgment is ordered corrected by deleting "4,B" and applying "4,D" to read: "Defendant was sentenced to State Prison for an indeterminate term: For 25 years to life, **WITH POSSIBILITY OF PAROLE** on count ONE." As corrected, the judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

September 10, 1997-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

B101181 People (Not for Publication)
v.
Toribio

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B099726 Kim (Not for Publication)
v.
Han Kool Motors, Inc., et al.

The judgment is reversed and remanded with directions to the trial court to vacate the judgment entered June 23, 1995, and modified November 30, 1995. Appellant shall recover her costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B109688 First American Title Ins. Company (Not for Publication)

v.

First Fidelity Thrift & Loan Association

The appeal is dismissed.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

B107528 Leon (Not for Publication)

v.

L.A. County Long-Term Disability & Survivor Benefit

The trial court's judgment denying Leon's petition for writ of administrative mandate is reversed. This action is remanded to the superior court with directions to set aside the hearing officer's decision and to order the County's Chief Administrative Office to conduct further proceedings to identify specific jobs, if any, that Leon can perform at the relevant time. (Code Civ. Proc., § 1094.5, subd. (f).) Costs are awarded to appellant Leon.

Neal, J.

We concur: Johnson, Acting P.J.

Woods, J.

B109242 Ayrs (Not for Publication)

v.

Toyota of North Hollywood

The judgment is reversed. Appellant is awarded costs on appeal.

Johnson, J.

We concur: Lillie, P.J.

Woods, J.

DIVISION SEVEN (Continued)

B099542 Bagdasarian (Not for Publication)
 v.
 Bohn

The judgment in favor of Bohn and Candoli on the cross-complaint of Bagdasarian for personal injuries and the order dismissing the same as to Bohn and Candoli are reversed. Appellant is awarded costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

B108750 Bilodeau (Not for Publication)
 v.
 Pacific Hospital of Long Beach

The judgment is affirmed. Costs on appeal are awarded to respondent.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B104532 International Medication Systems, Inc. (Certified for Publication)
 v.
 Assessment Appeals Board of Los Angeles County

The judgment is reversed and the cause remanded to the superior court with instructions to issue the peremptory writ of mandate and for proceedings consistent with this opinion. Appellant to recover its costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

September 10, 1997-Continued

DIVISION SEVEN (Continued)

B113633 Rose B. (Not for Publication)
v.
Superior Court, County of Los Angeles
Los Angeles County Department of Children & Family Services, et al., rps

Because substantial evidence supports the juvenile court's determination to hold the hearing described in section 366.26, the petition is denied on the merits.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.